In August 2017 the Dudley Board of Selectmen voted to my client’s dog Change for having multiple alleged incidents with other dogs but namely one this past August. Boston Dog Lawyers appeared at an appeal of the Board’s order to destroy Chance arguing that it was made without proper cause and in bad faith.  I had overwhelming proof that the Dudley Board of Selectmen failed to conduct the August hearing in accordance with MA law.

Under the law, they must take sworn testimony from the complainant and any witnesses present. They admitted to not swearing anyone in even though MA law mandates it (MGL c. 140 § 157 (a) (4). Then by making an order of impoundment of Chance without a hearing before a judge, they violated my client’s right to due process. The board overstepped their powers by depriving my client of his property pending the outcome of an appeal. Under MA law, M.G.L. 140 § 157 (e) (1), Dudley was to have petitioned the court to get approval to retain Chance at their kennel.

Lastly these duds of Dudley admitted to deeming Chance dangerous because of a bite to another dog without ever investigating the scope of the bite. They never asked to see photos, veterinary records or bills for the victim dog. My client had already offered to pay the $140 bill. The decision to kill Chance was made in bad faith (breaking the law) and without proper cause (not knowing specifics about the bite). But reversing their decision takes intellectual courage to modernize your thinking, and thinking is hard work. One board member said “I want to make this simple because this really is simple.” Yes, it is far simpler to violate law and procedure than to learn it and abide by it. Violating the Constitution and state law should carry with it harsh sanctions and calls for resignations. Chance’s bite caused $140 in damage and the board’s failures will cost him his life.

It could be that Chance is dangerous and that remedies and safeguards need to be implemented, including destruction. As members of the government, though, they must arrive at decisions the right and legal way, not the Dudley way.  That night in August they trampled on every Dudley resident’s rights. So far the system of checks and balances has failed. On October 24th Boston Dog Lawyers will begin a new trial for Chance’s life to be saved and it will be our client’s third attempt to find his rights to due process that have so far been kicked aside.

Ultimately after trial, Chance was determined NOT to be dangerous and was returned to his owner after hundreds of days in doggie jail.